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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,496	07/29/2003	Atsushi Kato	116700	5035
25944	7590	10/20/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TRAN, HOAN H	
			ART UNIT	PAPER NUMBER
			2852	
DATE MAILED: 10/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,496	<b>Applicant(s)</b> KATO, ATSUSHI	
	<b>Examiner</b> Hoan H. Tran	<b>Art Unit</b> 2852	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/29/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The examiner has considered the information disclosure statement (IDS) submitted on 07/29/2003.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Omata et al.  
[‘825]

Omata et al. disclose an image forming device [Fig. 1] comprising an exposing member [7], an image carrying member [1] rotating clockwise, a primary transfer member [21], a secondary transfer member [22], an intermediate transfer member [10] rotating counterclockwise, a cleaning unit including a rotatable capturing member [25a] that moves to contact with and separate from the intermediate transfer member for capturing residual developer on the intermediate transfer member [Col. 4, lines 25-36], a removing member [25b] that

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removes the captured residual developer from the capturing member, and a developer collecting unit [Col. 4, lines 29-31].

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omata et al. in view of Nakazato et al. ['991]

Omata et al., as discussed above, disclose the claimed invention except for a plurality of developing members.

Nakazato et al. disclose an image forming apparatus comprising a plurality of developing members [23K, 23M, 23C, 23Y].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image forming apparatus disclosed by Omata et al. with a plurality of developing members as taught by Nakazato et al. for the purpose of producing color images.

7. Claim 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omata et al. in view of Brown ['519].

Omata et al., as discussed above, disclose the claimed invention except for the capturing member is formed of a conducting material.

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Brown discloses an image forming apparatus comprising a cleaning unit [Fig. 3] including a capturing member formed of a conducting material [Col. 5, lines 15-23], a removing roller [40] and cleaning blade [42] that contacts the removing roller.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image forming apparatus disclosed by Omata et al. with a capturing member formed of a conducting material as taught by Brown for the purpose of increasing the performance of the capturing member.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omata et al. in view of Takeda et al. [‘422]

Omata et al., as discussed above, disclose the claimed invention except for the developer is a polymerized toner.

Takeda et al. disclose an image forming apparatus comprising a capturing member formed [Col. 12, lines 19-34].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the memory of the image forming apparatus disclosed by Omata et al. with polymerizes toner as developer as taught by Takeda et al. for the purpose of obtaining sufficient collecting effect.

***Allowable Subject Matter***

9. Claims 10-19 are allowed.

10. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11. The following is an examiner's statement of reasons for allowance:

None of the prior art of record teaches or suggests an image forming apparatus comprising a removing unit which is pivotable about an axis between a contact position in which the capturing member contacts the intermediate transfer member and a non-contact position in which the capturing member is not in contact with the intermediate transfer member, the axis being aligned with an axis of the gear that that transfers the driving force from the drive source to the capturing member.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoan H. Tran whose telephone number is (571) 272-2141. The examiner can normally be reached from 8:30 AM - 5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Arthur Grimley can be reached at (571) 272-2136. The central office fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

HHT  
October 15, 2004

  
**HOAN TRAN  
PRIMARY EXAMINER**